

AMENDED IN ASSEMBLY APRIL 20, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1674**

**Introduced by Assembly Member Pringle**

January 14, 1998

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An act to add Part 26.5 (commencing with Section 47000) to the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1674, as amended, Pringle. ~~Schools~~ *Opportunity scholarships.*

Existing law requires each person subject to compulsory full-time education to attend a particular school based on the residency of the parent or legal guardian of the person, subject to certain exceptions.

This bill would ~~state findings and declarations regarding alternatives to, notwithstanding any provision of law to the contrary, require the State Board of Education to identify low-achieving public schools, and legislative intent to, as defined, and would permit a student pupil attending a low-achieving public school to be eligible for alternative enrollment opportunities through the award of opportunity scholarships~~ *an opportunity scholarship, as defined, which the pupil could redeem at a participating private school, as defined, or an alternative public school. The bill, with certain exceptions, would require any public school, and the related school district, selected as an alternative school by a pupil*

*eligible to receive an opportunity scholarship to admit that pupil, thereby imposing a state-mandated local program.*

*The bill would require county offices of education to administer certain aspects of the scholarship program, thereby imposing a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Part 26.5 (commencing with Section  
2 47000) is added to the Education Code, to read:

3

4 PART 26.5. PUBLIC AND PRIVATE SCHOOL  
5 ALTERNATIVES

6

7 CHAPTER 1. OPPORTUNITY SCHOLARSHIPS

8

9 47000. The Legislature finds and declares that parents  
10 and guardians have the right to have their children attend  
11 schools that are successful in teaching reading, writing,  
12 and mathematics.

13 The Legislature finds and declares that the process of  
14 reforming the state's education system will not  
15 immediately solve the problem confronting students who  
16 are trapped in schools that are currently failing to fulfill  
17 their basic educational mission of teaching reading,  
18 writing, and mathematics.



1 The Legislature finds and declares that allowing  
2 students to transfer to an alternative school is  
3 complimentary with education reform efforts and is  
4 designed to provide an opportunity for quality education  
5 to students currently enrolled in poorly performing  
6 schools.

7 The Legislature finds and declares that compelling  
8 students to attend low-achieving schools greatly weakens  
9 the ability of those students to become lifelong learners  
10 and productive citizens of California.

11 The Legislature finds and declares that many students  
12 are trapped in low-achieving public schools because they  
13 are not able to transfer to other public schools or they lack  
14 the financial means to attend a private school.

15 The Legislature finds and declares that students and  
16 parents can be trusted to consider all options and select  
17 a school which is most appropriate for the educational  
18 needs of each student.

19 It is the intent of the Legislature to create alternatives  
20 for students enrolled in low-achieving public schools by  
21 removing administrative and financial barriers to  
22 children obtaining a better education.

23 It is the intent of the Legislature to allow pupils who  
24 attend low-achieving schools to be eligible for alternative  
25 enrollment opportunities, provided through the  
26 awarding of an opportunity scholarship to eligible  
27 students which allows that student the right to transfer to  
28 another school in the same district, to another school in  
29 another district, or to a private school.

30 It is the intent of the Legislature to provide the  
31 opportunity scholarship's transfer rights to an eligible  
32 student from the year that eligibility is determined until  
33 the student completes the 12th grade in order to provide  
34 the eligible student educational stability and continuity.

35 It is the intent of the Legislature to allow students to  
36 redirect funds, which the state has been spending on their  
37 behalf at low-achieving schools that are not fulfilling their  
38 basic mission, to schools of their choice where they will be  
39 able to purchase a quality education.

1 It is the intent of the Legislature, in providing the  
2 opportunity for a student to transfer to another school, to  
3 allow parents and pupils to decide where to attend school  
4 and not to encourage or discourage the choice of any  
5 particular type of school.

6 47001. *On or after January 1, 1999, and on each*  
7 *January 1 thereafter, the State Board of Education shall*  
8 *identify the lowest 5 percent of low-achieving schools in*  
9 *the previous school year. A low-achieving school means*  
10 *a school that scores in the fifth percentile or lower on the*  
11 *achievement test administered to its pupils pursuant to*  
12 *Article 4 (commencing with Section 60604) of Chapter 5*  
13 *of Part 33.*

14 47002. *Notwithstanding any other provision of law,*  
15 *the parent or guardian of a pupil in a school designated*  
16 *as low-achieving pursuant to Section 47001 shall be*  
17 *eligible to receive an opportunity scholarship, from*  
18 *money appropriated for this purpose in the Budget Act,*  
19 *that entitles the pupil to transfer to an alternative public*  
20 *school in any school district or to a participating private*  
21 *school, as defined in subdivision (a) of Section 47006.*

22 47002.5. (a) *The county office of education shall*  
23 *uniformly notify all parents or guardians of pupils*  
24 *attending low performing schools within their*  
25 *jurisdiction of all of the following:*

26 (1) *That their school has been selected as a low*  
27 *performing school.*

28 (2) *That because their school has been selected as a*  
29 *low performing school, pupils are allowed to transfer to*  
30 *another eligible school.*

31 (3) *That because their school has been selected as a*  
32 *low performing school, pupils whose families are 200*  
33 *percent or lower of the federal poverty guidelines are*  
34 *allowed to apply for a scholarship.*

35 (4) *That parents or guardians interested in their pupil*  
36 *applying for a scholarship that could be applied toward*  
37 *the tuition of a private school, should return the enclosed*  
38 *application by a date established by the board.*

39 (5) *That they will be notified of their selection by a*  
40 *date established by the board.*

1 (6) Any other materials and information as designated  
2 by the State Board of Education.

3 (b) No alternative public school is required to accept  
4 more than 10 pupils per grade as transfers from nother  
5 public schools pursuant to Section 47002.

6 47003. (a) The parent or guardian of each pupil who  
7 is eligible to receive a scholarship pursuant to Section  
8 47002 and intends to transfer to an alternative public  
9 school in the school district where the pupil is currently  
10 enrolled shall, no later than three months before the start  
11 date of the school year at the alternative public school,  
12 notify the alternative public school of the intent to enroll  
13 the pupil. The alternative public school shall admit the  
14 pupil.

15 (b) The parent or guardian of each pupil who is  
16 eligible to receive a scholarship pursuant to Section 47002  
17 and intends to transfer to an alternative public school in  
18 a school district other than the school district where the  
19 pupil is currently enrolled shall, no later than three  
20 months before the start date of the school year at the  
21 alternative public school, notify the recipient school  
22 district of the intent to enroll the pupil. The recipient  
23 school district shall admit the pupil to the alternative  
24 school.

25 47003.5. (a) The State Board of Education shall for  
26 the 1999–2000 school year select no more than 15,000 of  
27 the pupils who apply for scholarships pursuant to the  
28 notice and application process provided in Section  
29 47002.5 to receive a scholarship.

30 (b) For the 2000–01 school year and each subsequent  
31 year, the state board shall grant all scholarships that have  
32 not been awarded, not to exceed the 15,000 annual  
33 maximum.

34 (c) Awards pursuant to this section shall be made  
35 without regard to race, religion, sex, creed, age, or  
36 alternative placement.

37 (d) Award recipients pursuant to this section shall  
38 comply with all of the following:

39 (1) They shall be residents of California.

1 (2) *They shall have a family income that is 200 percent*  
2 *or below the federal poverty guidelines.*

3 47004. (a) (1) *The parent or guardian of each pupil*  
4 *who is awarded a scholarship pursuant to Section 47003.5*  
5 *and intends to transfer to a participating private school*  
6 *shall, not later than one month before the start date of the*  
7 *school year, notify the county office of education of the*  
8 *school district where the pupil is currently enrolled of the*  
9 *intent to transfer the pupil.*

10 (2) *A county office of education of the school district*  
11 *in which a pupil is enrolled that receives notification*  
12 *pursuant to paragraph (1) shall provide the parent or*  
13 *guardian of the pupil with a scholarship, redeemable for*  
14 *an amount that is the lesser of the actual tuition or fees*  
15 *charged by the participating private school, or 90 percent*  
16 *of the statewide average revenue limit per unit of*  
17 *average daily attendance, as determined pursuant to*  
18 *Section 42238, for that school year.*

19 (b) (1) *Upon notification by the parent or guardian of*  
20 *a pupil who is eligible to receive a scholarship pursuant*  
21 *to Section 47002 that the pupil intends to attend a*  
22 *participating private school, the county office of*  
23 *education of the school district shall transfer the*  
24 *scholarship on behalf of the pupil to the participating*  
25 *private school.*

26 (2) *A scholarship awarded pursuant to this section to*  
27 *a pupil who transfers to a participating private school*  
28 *shall be disbursed to the school on behalf of the pupil,*  
29 *upon proof of enrollment, in four equal apportionments,*  
30 *to be made in September, November, February, and*  
31 *May. The participating private school shall credit the*  
32 *tuition account of the pupil by the amount of the*  
33 *scholarship.*

34 (c) *If tuition fees at a participating private school*  
35 *exceed the amount of a scholarship received pursuant to*  
36 *this section, the parent or guardian of the pupil shall be*  
37 *responsible for paying the difference.*

38 47005. *A scholarship awarded pursuant to Section*  
39 *47003.5 is the property of the eligible pupil, and not of the*  
40 *school in which the pupil enrolls. The value of the*

1 scholarship shall not constitute taxable income to a parent  
2 or guardian of a pupil who uses the scholarship to transfer  
3 from a low-achieving school to an alternative public  
4 school or participating private school.

5 47006. (a) A private school shall qualify as a  
6 participating private school, for the purpose of being  
7 eligible to redeem scholarships pursuant to this part, if it  
8 meets the following requirements:

9 (1) The school meets all of the requirements imposed  
10 upon private schools as of January 1, 1998, in this code.

11 (2) The school does not discriminate on the basis of  
12 race, ethnicity, color, or national origin.

13 (3) The school does not advocate unlawful behavior, or  
14 teach hatred of any person or group on the basis of race,  
15 ethnicity, color, national origin, religion, or gender.

16 (4) The school prohibits individuals convicted of any  
17 felony, any offense involving lewd or lascivious conduct,  
18 or any offense involving the molestation or other abuse of  
19 a child from being employed by the school.

20 (5) The school does not intentionally provide false or  
21 misleading information relating to the school.

22 (b) Every private school that redeems a scholarship  
23 awarded pursuant to Section 47004 shall be subject to  
24 disclosure of pupil test scores on any standardized test  
25 administered on a schoolwide basis.

26 47007. A participating private school that redeems a  
27 scholarship awarded pursuant to Section 47004 may  
28 establish admissions criteria and may select pupils for  
29 enrollment, provided that the school admissions criteria  
30 and the enrollment selection process are consistent with  
31 the requirements of the United States Constitution and  
32 the California Constitution.

33 47008. Every county office of education shall  
34 administer the scholarships pursuant to this part and shall  
35 perform each of the following duties:

36 (a) Provide notice to parents and guardians of pupils  
37 in low-achieving schools of the availability of scholarships  
38 under this part.

39 (b) Comply with the transfer of average daily  
40 attendance funding pursuant to Section 47004.

1 (c) Notify the State Department of Education, the  
2 Department of Finance, and the Legislative Analyst of  
3 the total number of pupils within the jurisdiction of the  
4 county office of education that have been transferred  
5 pursuant to this part. This notification shall separately  
6 indicate the number of transfers to other public schools  
7 and the number of transfers to private schools.

8 47009. (a) The Superintendent of Public Instruction  
9 shall transfer to each county office of education the  
10 amount specified in subdivision (a) of Section 47004 for  
11 each eligible pupil attending a participating private  
12 school, subject to the availability of funds for this purpose.

13 (b) No apportionment generated by any pupil who  
14 receives a scholarship pursuant to subdivision (a) of  
15 Section 47004 shall be counted toward the minimum  
16 funding obligation of the state calculated pursuant to  
17 paragraph (2) or (3) of subdivision (b) of Section 8 of  
18 Article XVI of the California Constitution.

19 47010. (a) A pupil who is awarded a scholarship  
20 pursuant to this part shall have the right to continued  
21 receipt of a scholarship, allowing the pupil to remain in  
22 an alternative school or participating private school,  
23 through the completion of high school.

24 (b) If a pupil who is receiving a scholarship pursuant  
25 to this part transfers out of an alternative school or  
26 participating private school during a school year, the  
27 scholarship shall be prorated and the alternative school or  
28 participating private school shall receive credit only for  
29 the actual period during which the pupil was enrolled in  
30 the school.

31 47011. The State Board of Education shall adopt rules  
32 and regulations to implement this chapter.

33 SEC. 2. Notwithstanding Section 17610 of the  
34 Government Code, if the Commission on State Mandates  
35 determines that this act contains costs mandated by the  
36 state, reimbursement to local agencies and school  
37 districts for those costs shall be made pursuant to Part 7  
38 (commencing with Section 17500) of Division 4 of Title  
39 2 of the Government Code. If the statewide cost of the  
40 claim for reimbursement does not exceed one million



1 *dollars (\$1,000,000), reimbursement shall be made from*  
2 *the State Mandates Claims Fund.*  
3 *Notwithstanding Section 17580 of the Government*  
4 *Code, unless otherwise specified, the provisions of this act*  
5 *shall become operative on the same date that the act*  
6 *takes effect pursuant to the California Constitution.*

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